

ATTORNEYS
Heather R. Kendall-Miller
Natalie A. Landreth
Erin C. Dougherty

Native American Rights Fund

801 B Street, Suite 401, Anchorage, AK 99501 (907) 276-0680 FAX (907) 276-2466

EXECUTIVE DIRECTOR
John E. Echohawk

MAIN OFFICE
1506 Broadway
Boulder, CO 80302-6926
(303) 447-8760
FAX (303) 443-7776

WASHINGTON OFFICE
1712 N Street N.W.
Washington, D.C. 20036-2976
(202) 785-4166
FAX (202) 822-0068

WEBSITE ADDRESS
www.narf.org

August 23, 2012

Marcia Heer
Alaska District, U.S. Army Corps of Engineers, Project Manager
Robert Stolzman, Assistant District Counsel
P.O. Box 6898 (CEPOA-RD), JBER, AK 99516-0898

Re: Native Village of Tyonek and the Ch'u'itna Coal Project

Dear Ms. Heer:

I am writing to follow-up on our meeting of August 8, 2012 between the cooperating agencies and interested parties regarding the Section 106 consultation process. I believe the meeting was extremely productive and helped clarify the Native Village of Tyonek's (NVT's) concerns regarding the Ch'u'itna Coal Development Project's potential adverse impact on its cultural resources. The comments offered by Dr. Eddins of the Advisory Council, Judith Bittner of the State Historic Preservation Office, and the other participants further helped clarify the need to develop next steps by which to proceed. To reiterate, Dr. Eddins suggested that NVT formulate a clear statement of specificity of what future action it believes is necessary to be able to make a determination of eligibility under Criterion A and to justify further surveys. Doug Reger, NVT's expert, has drafted a statement of project scope and plan which NVT formally submits as an attachment to this letter.

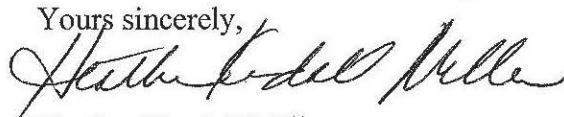
In addition to NVT's request that the Ch'u'itna Archaeological District be assessed under Criterion A, NVT representatives present at the August 8 meeting indicated their ongoing concern with the potential impact to burial or grave sites and the need to focus more effort on identifying such sites. Given the extreme sensitivity of the topic, NVT has elected to hire two expert consultants, Alan S. Boraas, Ph.D. and Ronald T. Stanek, to work with NVT members and to study, evaluate, and recommend to NVT those areas that should be considered potential burial sites for purposes of mitigation.

With respect to future meetings regarding the Section 106 consultation process, I believe Janet Clemens of NPS recommended a meeting that would focus on the "Identification of historic properties" as a first step in assessing the Ch'u'iuna Archaeological District's eligibility to the National Register under Criterion A. As she pointed out, this activity usually takes place during the Identification phase of Section 106, as required under the implementing regulations, Section 800.4 of 36 CFR Part 800, "Protection of Historic Properties". The Identification phase by regulation contemplates as step-by-step process to first identify historic properties, then evaluate

to determine what historic properties are significant, and then from this information determine an appropriate mitigation strategy. Thus, to further the Section 106 process it would seem appropriate to schedule another meeting to discuss future actions. Please advise what potential dates are available.

I thank you again for your leadership in setting up the last meeting and look forward to working with you and your staff as we proceed in the Section 106 process.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Heather Kendall Miller". The signature is fluid and cursive, with the first name "Heather" being the most prominent.

Heather Kendall Miller
Native American Rights Fund

cc:

Judith E. Bittner, State Historic Preservation Officer
Shina Duvall, State Historic Preservation Officer
President Frank Standifer II
Shane McCoy, USACE
Doug Reger, NVT consultant
Alan Boraas, Ph.D., NVT consultant
Ronald Staneck, NVT consultant
Jeanne Schaaf, NPS-Lake Clark
Richard Stern, Northern Land Use Research Inc.
Valerie Randall, AECOM
Janet Clemens, NPS-AKRO
Pete Bauers, Northern Land Use Research
Dan Grahm, PacRim Coal
Joe Lucas, PacRim Coal